

# **Rigid Plastic Packaging Container (RPPC) Informal Rulemaking Process Advisory Committee Workshop**

**Cal/EPA Building**

**June 26, 2007**

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# Agenda



TIME	TOPIC
9:00 - 9:10 (Sierra Hearing Room)	Welcome / Introductions / Agenda Review
9:10 - 9:30	<ul style="list-style-type: none"> <li>- Ground Rules</li> <li>- Guiding Principles</li> <li>- Rulemaking Process</li> </ul>
9:30 - 10:30	<ul style="list-style-type: none"> <li>- Overview of Proposed Changes</li> <li>- Review of Draft Regulations</li> </ul>
10:30 – 10:45	BREAK
10:45 – 12:30	<ul style="list-style-type: none"> <li>- Review of draft regulations continued/definitions                             <ul style="list-style-type: none"> <li>- Rigid Plastic Packaging Container (RPPC)</li> <li>- Product Manufacturer</li> <li>- Postconsumer Material (PCM)</li> </ul> </li> </ul>
12:30 – 1:30	LUNCH
1:30 – 2:15 (Byron Sher Auditorium)	<ul style="list-style-type: none"> <li>- Compliance Options (SB 743 and SB 1344)                             <ul style="list-style-type: none"> <li>- Single Resin Type Recycling Rate</li> <li>- Use of CA PCM in Other Packaging or Products</li> </ul> </li> <li>- Certification Process                             <ul style="list-style-type: none"> <li>- Company Selection Process</li> <li>- Company Notification Process</li> </ul> </li> </ul>
2:15 - 3:00	<ul style="list-style-type: none"> <li>- Container Determination Appeals</li> <li>- Penalties and Violations                             <ul style="list-style-type: none"> <li>- Container Manufacturer Responsibility</li> <li>- Factors for Modifying Penalties</li> </ul> </li> </ul>
3:00 - 3:15	<ul style="list-style-type: none"> <li>- Next Steps –Staff to seek direction to formally notice regulations at September Permitting and Compliance Committee (09/10/07 @ 1:30pm)</li> <li>- Adjourn</li> </ul>



## Ground Rules

- One person speaks at a time
- No interruptions
- No criticism
- Listen respectfully and sincerely
- All suggestions recorded
- Questions may be asked to clarify ideas



# Rulemaking Guiding Principles – Environmental Benefits

## Regulatory Changes Should:

- Support the intent of the law
- Increase use of recycled plastic in products
- Contribute toward California diversion
- Increase recycling rate of plastics
- Improve recyclability of plastics



# Rulemaking Guiding Principles – Certification Process

## Process Improvements Should:

- Provide for more efficient and effective implementation of the law
- Improve the clarity of the law
- Increase compliance with the law
- Ensure fair and equitable treatment

# Rulemaking Process

- ◆ **Informal review & comment**
  - **Advisory Committee**
  - **Stakeholder Workshop**
  - **Board Item**

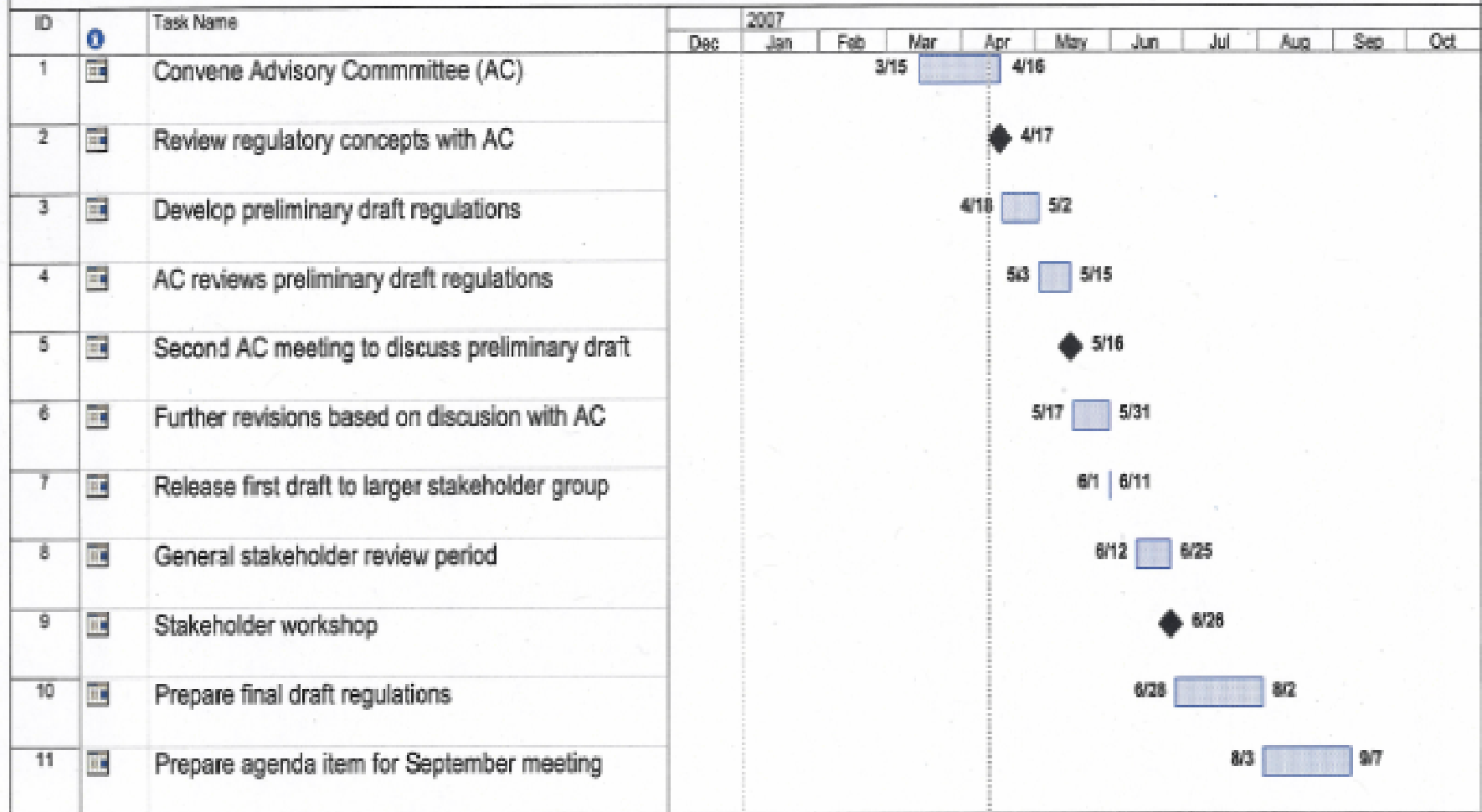
## **Advisory Committee Role**

The role of the advisory committee is to provide suggestions to Board staff during the informal rulemaking process regarding changes to the California Rigid Plastic Packaging Container (RPPC) regulations

# Time Line



Rigid Plastic Packaging Container (RPPC)  
Rulemaking Timeline





# Overview: Need for Rulemaking

Regulatory changes are needed to:

1. Incorporate recent statutory changes
2. Improve clarity and organization
3. Make process improvements

# Regulatory Changes

- ◆ Moved away from Q&A format
- ◆ Deleted out dated language
- ◆ Re-formatted to improve flow, readability, and clarity
- ◆ Revised to reflect legislative intent to support demand for PCM
- ◆ Included certification processes to provide better direction to regulated community



# Review of Draft Regulations

1. Definitions
2. Compliance options
3. Certification processes
4. Container information
5. Container manufacturer requirements
6. Compliance option calculations
7. Waiver & Exemption requirements
8. Container determination appeal process
9. Violations and Penalties

# Walkthrough of Regulations

- Review Key Definitions
  - Post-consumer Material (PCM)
  - Product Manufacturer
  - Rigid Plastic Packaging Container (RPPC)
  - Source Reduction

# Postconsumer Material

- ◆ **Revise to reflect statutory definition**
  - **will help eliminate confusion**



# Product Manufacturer

- Clarify responsible reporting entity in the one causing product to be generated and sold in CA.
  - **Help Green Supply Chain**



# Rigid Plastic Packaging Container

- Status Quo – RPPC Examples
- Labeled Volume
- Capable of Multiple Re-closure
  - Capable of a single re-closure
- Entirely Made of Plastic



# Examples of RPPCs





**Currently  
Regulated**

**aka: Acetate  
Tubes**



**Currently  
Regulated**



**aka: Acetate  
Boxes**



**Currently  
Regulated**



**Battery  
Containers**



**CD  
Spindles**



**Currently  
Regulated**



**Cleaning  
Supplies**





**Currently  
Regulated**



**Wipes**

# Rigid Plastic Packaging Container

- **Labeled volume**
  - **Use labeled volume**
  - **If not labeled, then use volumetric equivalent**
  - **Previously was at discretion of manufacturer**

# Rigid Plastic Packaging Container

- **Remove “Capable of Multiple Reclosures”**  
**(expand the regulated universe)**









# Rigid Plastic Packaging Container

- Capable of at least one closure  
(level the playing field)

**Capable of  
Multiple  
Reclosure**

**Heat  
Sealed**



**Currently  
Regulated**



**Currently  
Not - Regulated**





**Not  
Capable  
of  
Multiple  
Reclosure**

**Currently  
Not - Regulated**



**Capable of  
Multiple  
Reclosure  
with an  
attached  
lid**

**Currently  
Regulated**



# Rigid Plastic Packaging Container

- **Entirely Made of Plastic**  
**(level the playing field)**

Bucket with  
an attached  
Metal Handle



Currently  
Not - Regulated

Bucket with  
an attached  
Plastic Handle



Currently  
Regulated

## Source Reduction

- ◆ Deleted obsolete language
- ◆ Clarified how a package qualifies
- ◆ Made clear that can't switch to less recyclable resin



# **Afternoon Session: (Byron Sher Auditorium)**

## **Concepts to Address in the Rulemaking**

- New Compliance Options:
  - Single Resin Type Recycling Rate
  - Use of CA-PCM in Non-RPPC Products and Packaging
- Certification Processes
  - Company Selection
  - Company Notification
- Container Determination Appeal Process
- Violations and Penalties
  - Container Manufacturer Liability
  - Factors for Modifying Penalties



# California PCM Consumption Documentation

- **Single Resin Type Recycling Rate**
- **CA PCM Use**
  - **Direct Use**
  - **Verify Third Party Contractors**



# Certification Processes

- ◆ Selection of Product Manufacturers for Certification
- ◆ Notification of Product Manufacturers

# Container Determinations

- ◆ **Appeal Process for Container Determinations**

# Violations & Penalties

- ◆ Container Manufacturer Liability
- ◆ Factors for Modifying Penalties

# Open Discussion / Public Comment

## Next Steps

1. Draft revisions to regulations incorporating today's input
  - Release draft regulations – July 17, 2007
2. Presentation at the Permitting and Compliance Committee at the September 10, 2007 meeting for approval to notice formal rulemaking





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